

Application No.: 10/584,821
Filing Date: March 13, 2008

REMARKS

Restriction Requirement Response

In the Restriction Requirement mailed November 6, 2009 in the above-identified application, the Examiner divided the claims into three groups. In response, Applicants hereby elect Group II (Claims 12, 13-17) without traverse, and request cancellation of Claims 11, 18, and 19.

In response to the species election requirement in the Restriction Requirement, Applicants hereby elect, without traverse, CF₃ as R₉, H as R₁₀, H as R₁₁, M as R₁₂, H as R₁₃, and epidermis as the layer of skin. Claims 12, 13, 15, and 17 read upon the elected species.

Applicants reserve the right to file divisional, continuation and continuation-in-part applications containing claims directed to all or part of the subject matter described in the instant application, including the subject matter of any claims amended, withdrawn, or canceled at any time during the prosecution of this application, and thus unclaimed subject matter is not dedicated to the public. Applicants also reserve the right to seek rejoinder of claims pertaining to the non-elected subject matter pursuant to M.P.E.P. § 800. For example, upon allowance of the elected claims, Applicants reserve the right to seek rejoinder pursuant to M.P.E.P. § 821.04.

Preliminary Amendment

Claims 12-17 have been amended and Claims 20-24 have been added herein. No new matter has been added. Support for these amendments can be found in the specification and claims as filed, for example, at p. 2, 6-7, and 10 of the present application as published (U.S. Publication No. 2009/0004108).

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not

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reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Docket No.	Serial No.	Title	Filed
MLA.028C1	11/475,784	SMMR (SMALL MOLECULE METABOLITE REPORTERS) FOR USE AS IN VIVO GLUCOSE BIOSENSORS	Jun. 26, 2006

Applicants respectfully request prompt examination on the merits of Claims 12-17 and 20-24. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: May 4, 2010

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